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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|---|---------------------|------------------|
| 10/621,131 | 07/16/2003 | William Paul Schmidt | ML 0166 PUS | 1972 |
| 7590 | 05/18/2005 | Steven W. Hays | EXAMINER | ROBINSON, MARK A |
| | | Suite 250 28333 Telegraph Road Southfield, MI 48034 | ART UNIT | PAPER NUMBER |
| | | | 2872 | |

DATE MAILED: 05/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|------------------------------|-----------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/621,131 | SCHMIDT, WILLIAM PAUL |
| | Examiner Mark A. Robinson | Art Unit 2872 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 12 April 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 4,5 and 8-16 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-3,6 and 7 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 16 July 2003 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>7/16/03</u> | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of group I and the species shown in fig. 2 in the reply filed on 4/12/05 is acknowledged. The traversal is on the ground(s) that a generic claim is present in the application. This is not found persuasive because generic claim 1 has not been found to be allowable. Please refer to the information on p. 3-4 of the previous office action pertaining to generic claims.

The requirement is still deemed proper and is therefore made FINAL.

Claims 1-3, 6 and 7 read on the elected invention and will be examined as follows. The remaining claims are withdrawn from consideration as being drawn to non-elected subject matter.

Claim Objections

2. Claim 7 is objected to because of the following informalities: "said predetermined angle" lacks antecedent basis. Appropriate correction is required.

Note that this phrase finds antecedent support in claim 6. Accordingly, claim 7 has been interpreted as depending from claim 6.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-3, 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foster (US 2877686) in view of Schmidt (US 4938578).

Foster shows a crossview mirror assembly including a mirror, frame(3) with tubular region, mirror mounting support (the shown central shaft) coupled within the tubular region of the frame and to the exterior of the vehicle (via bracket 1), an electronic servomotor actuator(M1,M2) coupled to the mirror and being actuated to swivel the mirror about an x-axis and about the center point defined by the central tubular region, and a toggle switch controller (note the first paragraph of col. 3) electrically coupled to the actuator and contained within the cab for controlling the actuator to move the mirror both clockwise and counter-clockwise about the center point (note fig. 3). Regarding claims 6 and 7, note that the mirror is

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limited in rotation about the center point to predetermined angles not greater than approximately 45 degrees in either direction (note col. 3 lines 23-55 and the 45 degrees limits shown in fig. 3).

Foster does not show the mirror to be arcuate and does not specifically show the mirror support to be mounted to the front surface of the vehicle. However, both of these features are well known and examples are shown by Schmidt (note arcuate mirror 14 and the teaching of mounting to the front of a vehicle in col. 1 line 11). It would have been obvious to the ordinarily skilled artisan at the time of invention to use an arcuate mirror in order to increase the mirror's field of view, and to attach the mirror support to the front of a vehicle either to accommodate a particular vehicle front-end design or in order to enable a complete field of vision of the front and both sides of the vehicle as taught by Schmidt.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents to Albrecht, Tomerlin, Keast, and Bateman all show vehicle mirrors rotatable along an x-axis and about a central point.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Robinson whose telephone number is (571) 272-2319.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn, can be reached at (571) 272-2312. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MR

5/13/05


MARK A. ROBINSON
PRIMARY EXAMINER